

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL,
ON WEDNESDAY, MAY 5, 1999.**

Members Present: Patrick J. Gilmartin, Chairman
William Hoffman
Peter Lilienfield
Allen Morris, Secretary
Patrick Natarelli

Also Present: Kevin J. Plunkett & Lino J. Sciarretta, Village Counsel
Brenda Livingston, Ad Hoc Planning Board Member
Bruce Donohue & Ralph Mastromonaco, Consultants
Tim Miller, Consulting Engineer
Richard Fon, Building Inspector
Florence Costello, Planning Board Clerk
William Citarell, ECB Member
J&L Reporting Service, for Westwood Development Associates
Members of the Public.

IPB Matters

Considered:

94-03 -- Westwood Development Associates

Sht.10,P25J2,25K2,Sht.10C,B1.226,Lots 25A,26A,

98-44 -- Ciccio & Chernick

Sht. 10C, Bl. 226, Lot 25

99-01 -- Miji Inaba

Sht. 10F, Bl. 253, Lot 1

99-02 -- Hudson House Tenants Corp.

Sht. 9, Bl. 222, Lot 1

99-07 -- Spectrum Irvington (Amendment)

Sht. 12B, Lot 1

99-20 -- Anthony & Patricia Matero

Sht. 5, Bl. 207, Lot 22

99-22 -- Deborah Flock

Sht. 7B, Bl. 249, Lot 2A

99-23 -- Irvington Associates

Sht. 12B, Lot 25 & Lot 31

99-24 -- Robert & Ellen Murray

Sht. 12B, Lot 38

99-25 -- Ellen Appelle

Sht. 15, P-115, 115A

99-26 -- Joel & Sheri Poznanski

Sht. 10C, Bl. 226, Lot 20

99-27 -- Jeffrey Link

Sht 13B, P-98

99-28 -- Joseph DeLeo

Sht. 15, P-121F

99-29 -- Richard & Barbara LaBarbera

99-30 -- Matthew & Kathleen Goldreich (Informal)

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

1. With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the agenda were current as to taxes and fees.
2. Correspondence received from Village Administrator, dated April 16, 1999, regarding . Westchester County's redevelopment of the old restaurant on the Saw Mill River Parkway was noted. The site is to be developed and is within village boundary.
3. The Chairman and Peter Lilienfield drafted a letter to the Irvington Zoning Board regarding Boran Construction. The letter was unanimously accepted by the Board.

IPB Matter #99-25:

**Application of Ellen Appelle for Waiver of
Site Development Plan Approval for property
at 25 Erie Street.**

Ms. Ellen Appelle appeared personally for the application. Applicant paid the required application fee, furnished evidence of mailing of required Notice to Affected Property Owners, and drawing Third Floor/Dormer, Mr. & Mrs. Harvey Appelle, dated March 17, 1999, prepared by John Cotugno, Architect. The proposed development is for the addition of a bedroom, approximately 14 feet by 19 feet, to be located in a section of the existing attic of a three story wood frame residence. As the New York State Building Code is more restrictive than Village ordinances, Applicant furnished proof that the State Code would not be violated by the construction, (Petition No. 1999-0349, "In the Matter of the Petition of: Harvey and Ellen Appelle for a Variance to the New York State Uniform Fire Prevention & Building Code" dated May 4, 1999).

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public or Mr. Mastromonaco. The Board then determined this application to be a Type II Action under SEQRA and therefore the filing of an Environmental Assessment Form was not necessary.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make

submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #99-24:

**Application of Robert & Ellen Murray for
Site Development Plan Approval for property
at 32 North Brook Lane, Lot #38, Legend Hollow**

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and submitted evidence of mailing of required Notice to Affected Property Owners and publication. The request is to add a pool within the building envelope. There was discussion of maximum lot coverage that was previously approved, however the Applicant showed the pool would indeed be within the maximum buildable area. There was no public response. The Board advised the Applicant that this was not a Planning Board concern and directed the Applicant to the Building Inspector.

IPB Matter #99-28:

**Application of Joseph & Teresa DeLeo for
Waiver of Site Development Plan Approval for
property at 11 Hudson Road East.**

Earl Ferguson, Architect, appeared for the Applicant. Applicant paid the required application fee and submitted evidence of mailing of the required Notice to Affected Property Owners. The proposed development consists of additions and renovations to an existing one story residence, a total of about 2,209 square feet on a total of two floors and approximately 17,672 cubic feet. Drawings submitted were: Survey of Property prepared for Joseph M. & Teresa M. DeLeo, by Charles Riley dated June 12, 1997, and plans entitled DeLeo Residence by Earl E. Ferguson, dated April 21, 1999 (7 sheets).

There was discussion on the residence's non-conformance with current zoning requirements and the Board with the advice of the Village Counsel determined that the proposed building additions would not increase the degree of current zoning non-compliance. There were no public comments or engineering concerns. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed alterations meet conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #99-29:

**Application of Richard & Barbara LaBarbera
for Site Development Plan Approval for
property at 200 Riverview Road.**

Ms. Barbara LaBarbera appeared personally for the Application. Applicant paid the required application fee and furnished evidence of mailing of required Notice to Affected Property Owners. Proposed development consists of an addition at the back of existing residence with expansion of existing master bedroom above. The increase will add a total of 504 square feet of floor area on a total of two floors and a total of about 4,906 cubic feet. Drawings submitted were plans entitled Residence of Barbara & Richard Labarbera by Michael J. Scharff, and Kurt J. Bachert, AIA Associated Architects, dated April 15, 1999 (3 sheets).

Mr. Mastromonaco's memo dated May 5, 1999, noted a topo map and drainage plan were not shown. There were no comments from the public. The Chairman, with the Boards concurrence stated that the application would be treated as a Request for Waiver of Site Development Plan approval with the understanding that the plan would be revised and given to Mr. Mastromonaco and the Building Inspector for approval of the drainage plan before a building permit is issued. The Board then determined that this application is for a proposed action which is a Type II action under SEQRA and therefore the filing of an Environmental Assessment Form was not necessary.

After discussion on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined that in accordance with Section 243-71 of the Village Code that the proposed alteration and addition meets conditions which permit Site

Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #99-02:

**Application of Hudson House Tenants Corp., for
property at 100 Ardsley Avenue West.**

David Barbuti, Architect, appeared for the Applicant. This application, carried over from the April 7, 1999 meeting, concerns the proposed construction of a 44 car parking area for The Hudson House. Applicant submitted revised plan, Proposed 44 Car Parking Area for The Hudson House, dated March 22, 1999, last revised April 12, 1999, drawing SP-1, and Proposed 44 Car Parking Area for The Hudson House, dated February 23, 1999 last revised April 12, 1999, drawing SP-2. There was some discussion regarding the removal of two pine trees. There was no public comment, and Mr. Mastromonaco noted that all comments from his memo dated March 30, 1999 have been addressed.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval and a Type II Action for SEQRA purposes.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan

submission, the Official Map or Comprehensive Land Use Plan, the Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #99-22:

**Application of Deborah Flock for Site
Development Plan Approval for property
at 42 West Clinton Avenue.**

Donna Gutkin, Landscape Architect, appeared for the Applicant. This application for a proposed 732 square foot mud room and garage addition, a 272 square foot guest room extension over the existing garage, and a 680 square foot wrap around porch, was presented at the March 10, 1999 Planning Board meeting and discussed at the April 7, 1999 meeting when it was noted that the ZBA had granted the required variance on March 23, 1999.

The Applicant, in accordance with the request of the Board made at the March meeting, presented copies of deeds establishing that the two lots shown on the site plan were in separate ownership. The Board then determined that the Application is for an action which is a Type II Action under SEQRA.

The Board, after discussion of the drawings captioned "Topographic Survey prepared for Charles M. and Deborah Flock, dated December 19, 1998, by Anthony A. Sorace, P.L.S., and Renovations/Extensions to the Flock Residence, dated February 25, 1999, by Christina Griffin, A.I.A." and a set of plans (cover sheet plus three sheets) dated February 25, 1999, by Christina Griffin, A.I.A.", then on motion duly made, seconded and unanimously approved adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed additions meet conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship, and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #99-23:

Irvington Associates for a Public Hearing for property at Lots 25 & 31, Legend Hollow.

David S. Steinmetz, Esq., appeared for the Applicant, and submitted evidence of publication for a public hearing to authorize a slight modification of the lot lines for Lots 25 and 31. The Chairman opened the public hearing. Discussion centered around a change in easements and property lines. There was no public comment or engineering concerns. The Chairman closed the public hearing.

After discussion, on motion duly made seconded and unanimously approved, the Board granted an amendment based on lot lines changed as per drawing submitted: Re-Appportionment Map and Re-Subdivision Map of Lots 25 & 31 prepared for Irvington Associates, L.L.C., dated February 23, 1999 by Ward Carpenter Engineers, Inc. Mr. Steinmetz will prepare the Resolution for the June 2, 1999 meeting.

IPB Matter #99-27:

Application of Jeffrey Link for Waiver of Site Development Plan Approval for property at 28 Lewis Road.

Mr. Padraic Steinschneider appeared for the Applicant. Applicant proposes to amend a previously approved building expansion plan (IPB Matter #98-40). During the discussion it became evident that there was an under statement in the approved plan (more than 15%). Based on the error being realized, the prior approval was withdrawn and a new full Site Development Plan is required. Two comments were forthcoming from the public. Ms. Nicki Coddington was concerned to save a grove of trees and concerned neighbors Mr. and Mrs. Siegel and Mr. and Mrs. Derby are concerned over the proposed expansion's appearance. Mr. Mastromonaco's comments, memo dated May 5, 1999 were noted. The site approval plan was carried over to the June 2, 1999 meeting.

IPB Matter #99-26:

Application of Joel & Sheri Poznanski for Waiver of Site Development Plan Approval for property at 74 Riverview Road.

William Sharp, Architect, appeared for the Applicant. Applicant paid the required application fee and submitted evidence of mailing of required Notice to Affected Property Owners. Applicant wishes to reduce building height and further refine a previously approved site plan (IPB Matter #98-37). Mr. Park, a neighbor, wanted to review the revised plan and after doing so, agreed to the plan change. Mr. Mastromonaco's comments, memo dated May 5, 1999, noted a topography site plan must be submitted for review. The application was carried over to the June meeting.

IPB Matter 99-30:

Application of Matthew & Kathleen Goldreich for an Informal Discussion for Lot #8, Legend

Hollow Subdivision.

Mr. Matthew Goldreich, 67 Manor Pond Lane, appeared personally. He wanted the Board to require tree screening and fencing to be installed on Lot #8, the property located adjacent to his residence, prior to any pool construction. There was much discussion around the issue that Mr. Studer, the Landscape Architect, showed him a plan three days prior to the Planning Board meeting that did not indicate a pool then subsequently added a pool to the plan for submission to the Planning Board. Additionally, the site plan was not available in the Library. He further said the site was too small for a pool. After much discussion, Mr. Studer advised that if the pool were built it would have to meet all Village requirements and because it may never be built, to require a screening and fence now would be unrealistic; such measures should be included if and when the pool is built. After more repetition of the problem, the Board concurred with Mr. Studer.

IPB Matter #99-20:

Application of Anthony & Patricia Matero for Site Development Plan Approval for property at 39 Main Street.

Mr. Matero appeared personally for the application carried over from the March 10, 1999 meeting. Applicant proposes a conversion of the first floor from residential to retail use, and the enclosure of the existing covered porch for show windows. Mr. Matero advised that the Zoning Board of Appeals had approved the necessary variances, but the Planning Board had not been officially notified of the ZBA decision.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval and a Type II Action for SEQRA purposes. There were no comments from the public.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution with the assistance of Village Counsel.

That pursuant to Section 243-71, A, B, and C, the Planning Board finds that notwithstanding that the property is in the Business District special conditions peculiar to the site make it unnecessary to require a full site plan and that a waiver will not have a detrimental effect on the public health, safety or general welfare. Therefore it is hereby resolved that a) Site Plan Approval is hereby waived on this property in the Business District based on Section 243-71 C., on the following: Public Notice pursuant to Section 243-70 has been complied with. Furthermore, it is resolved that this waiver is expressly conditioned on the following: 1) Receipt of the Decision of the Zoning Board of Appeals on this matter. 2) The Building Inspector confirming that the requirements of Section 243-69 E. of the Village Code have been fully complied with.

IPB Matter 99-01:

Application of Miji Inaba for Site Development Plan Approval for property at Fieldpoint Drive.

Mr. Inaba appeared personally for the application carried over from the April 7, 1999 meeting. This application is for a single family residence with a two and one-half car garage to be constructed on Lot #1 of the previously approved Goodkind Subdivision. The Board had many questions on drainage, retaining walls, sewer lines, and a tree protection plan. Retaining wall problem was referred to the ARB. There were no comments from the public. Mr. Mastromonaco's memo dated May 4, 1999 was noted, the Building Inspector is to follow up on Mr. Mastromonaco's concerns to assure compliance.

The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA. After discussion, the Board took the following action. It approved drawings: 1) Lot 1 Site Plan, prepared by Gabriel E. Senor, P.C., dated December 21, 1998, last revised April 23, 1999, Sheet S-1. 2) Sewer Force Main, Lot 1, Fieldpoint Drive, prepared by Gabriel E. Senor, P.C., dated January 27, 1999, last revised February 24, 1999, Sheet D-1. 3) Detail Sheet, prepared by Gabriel E. Senor, P.C., dated February 24, 1999, Sheet D-2., subject to the review of the retaining walls by the Architectural Review Board, a note to be added regarding limitations on the pruning of the trees on the adjoining Village property, and approval by the Building Inspector regarding the outstanding engineering issues indicated by Mr. Mastromonaco.

IPB Matter #98-44:

Application of Joseph & Denise Ciccio and Mitchell & Sheri Chernick for subdivision of property at Riverview Road.

Norman Sheer, Esq., appeared for the Application which was carried over from the March 10, 1999 meeting. Applicants wish to have a decision by June on using the paper road as a driveway. They are prepared to risk the plan's rejection rather than wait for Westwood to be finalized. There was no public comment.

IPB Matter #99-07:

Public Hearing on Application of Spectrum Irvington Corp., for Amended Site Development Plan Approval for Lot #1, Legend Hollow.

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The Chairman opened the public hearing. This application, previously heard at the April 1, 1998 Planning Board meeting (IPB Matter #98-14), is for a slight change in the location of the house within the building envelope. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #1) Legend Hollow, dated March 4, 1998 last revised April 21, 1999.

IPB Matter #94-03:

**Application of Westwood Development
Associates, Inc., for Limited Site Development
Plan Approval for property at Broadway,
Riverview Road and Mountain Road.**

Messrs. Padraic Steinschneider and Charles Pateman appeared for the Applicant. Major topics discussed were: north route to be used on Tract B and Tract C, a balloon test for the site walk scheduled for May 7, 1999, inspect road to Tischelman property with regard to widening to see if trees must be cut, and the school parking lot traffic flow seems better with the new plan.

A complete stenographic transcript of the proceeding relating to this matter was prepared and is incorporated herein by reference.

The Board then considered the following administrative matters:

1. Minutes of the Planning Board held on April 7, 1999, previously distributed, were on motion duly made and seconded, approved.
2. A site walk is scheduled for Saturday, May 7, at Westwood.
3. Planning Board members to submit comments regarding Tim Miller Westwood comments directly to Florence with a copy to Tim.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Allen Morris, Secretary